Rao Bahadur T. K. Nayar (*Prime Minister*): I request that the Bill be referred to a Select Committee consisting of the Mover, the Advocate-General.

Mr. Thomakutty.
„ Dewer.
„ C. R. Iyyunni.
„ S. S. Koder.
„ Kunjuvareed.

Mr. P. Govinda Menon (*Ernakulam*): I pray that Mr. P. Achutha Menon also may be included.

Rao Bahadur T. K. Nayar (*Prime Minister*): Yes.

Mr. President: Who is the Chairman of the Committee?

Rao Bahadur T. K. Nayar (*Prime Minister*): The Prime Minister.

Mr. President: The time.

Rao Bahadur T. K. Nayar (*Prime Minister*): Within two months.

Motion put and carried

(3) The Cochin Co-operative Societies Act (Amendment) Bill

Mr. P. Raman Menon (*Advocate-General*): I move that the Cochin Co-operative Societies Act (Amendment) Bill be read in Council.

Mr. M. Sivarama Menon (*Constitutional Adviser*): I second it.

Mr. P. Raman Menon (*Advocate-General*): The purpose of the Bill is this. There is some doubt as to whether the provisions of section 71 of the Cochin Co-operative Societies Act making Article 166 of the Cochin Limitation Act applicable to proceedings in execution of a decree will apply to cases where recoveries are made by Heads of Departments on a requisition from the Registrar or any person subordinate to him. If the provision of section 166 of the Limitation Act are not applied to such recoveries they will not be steps in aid of execution. It is necessary to clarify the position and provide that the Heads of Departments when making recoveries on requisition by the Registrar shall be deemed to be civil courts for purposes of Article 166 of the Cochin Limitation Act so that such recoveries may have effect as steps in aid of execution.

Motion put and carried

Secretary to the Council:—The title of the Bill is the Cochin Co-operative Socities Act (Amendment) Bill.

Mr. P. Raman Menon (*Advocate-General*): I request that S. O. 32 may be suspended.

Mr. President: S. O. 32 is suspended.

Mr. P. Raman Menon (*Advocate-General*): I move that the Bill be taken into consideration.

Mr. M. Sivarama Menon (*Constitutional Adviser*): I second it.

Motion put and carried

Mr. M. Sivarama Menon (*Constitutional-Adviser*): Before making the motion I wish to invite the attention of the Leader of the Opposition to the point that this is a legislation affecting all the societies in the State, and to know whether you are agreeable for the consideration of the Bill to-morrow.

Mr. P. Govinda Menon (*Ernakulam*): We have no objection Sir.

Mr. P. Raman Menon (*Advocate-General*): I request that the Bill may be taken up and finally passed to-morrow.

Mr. M. Sivarama Menon (*Constitutional Adviser*): I second it.

Motion put and Carried

(4) The Cochin Merchandise Marks Act (Amendment) Bill

Mr. P. Raman Menon (*Advocate General*): I beg to move that the Cochin Merchandise Marks Act (Amendment) Bill be read in Council.

LIBRARY ARCHIVES Kerala Legislative Assembly

(*b*) in sub-section (2), after the word and figures 'section 27' the words, figures and letter 'or any return referred to in section 27H' shall be inserted.

6. *Insertion of new section 31A.*—After section 31 of the said Act, the following section shall be inserted, namely.—

"31-A. *Penalty for unfair practices.* (1) Any employer who commits any unfair practice set out in section 27J shall be punishable with fine which may extend to one thousand rupees.

(2) Where a Criminal Court imposes a fine, or confirms in appeal, revision or otherwise a sentence of fine imposed, on an employer for committing an unfair practice set out in clause (*c*) or clause (*d*) of section 27J it may when passing judgment, order the whole or any part of the fine to be applied in the payment to any person of compensation for loss or injury caused by the unfair practice."

Statement of Objects and Reasons

The Cochin Trade Unions Act, III of 1112, provides for the registration of Trade Unions but does not cast any obligation on the employer to recognise any registered Trade Union. Obligatory recognition of representative Trade Unions is provided for in the Government of India Bill. It is considered necessary that there should be some obligation on the part of the employers to recognise Trade Unions provided they are truly representative and that our Act should be amended for this purpose. In British India the question as to whether a Trade Union is repesentative or not will, in the event of dispute, be considered by the Industrial Court. In this Bill such disputes are to be decided by an Adjudicator.

2. The Bill also seeks to specify certain acts as unfair practices on the part of recognised Trade Unions and certain other acts as unfair practices on the part of employers. It also provides for the withdrawal of recognition where an unfair practice is committed by the executive or members of a recognised Trade Union or when the Trade Union has ceased to be a representative Trade Union or on the failure of the Trade Union to submit any return prescribed in the Bill. An unfair practice on the part of an employer has also been made an offence punishable with fine.

APPENDIX IV

THE COCHIN CO-OPERATIVE SOCIETIES ACT (AMENDMENT) BILL

Whereas it is expedient further to amend the Cochin Co-operative Societies Act, XXVI of 1113; It is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Cochin Co-operative Societies (Amendment) Act of 112 , and it shall come into force at once.

2. *Amendment of section 71.*—In section 71 of the Cochin Co-operative Societies Act, XXVI of 1113—

(1) the word "shall" occurring between the words "Registrar" and "when" shall be deleted, and

(2) after the word and figures "section 70," the words "and officers of Government when making recoveries from the debtor in pursuance of a requisition from the Registrar or any person empowered by him shall" shall be added.

Statement of Objects and Reasons

There is some doubt as to whether the provisions of section 71 of the Cochin Co-operative Societies Act making Article 166 of the Cochin Limitation Act applicable to proceedings in execution of a decree will apply to cases where recoveries are made by Heads of Departments on a requisition from the Registrar or any person subordinate to him. If the provisions of section 166 of the Limitation Act are not applied to such recoveries they will not be steps

LIBRARY ARCHIVES Kerala Legislative Assembly

in aid of execution. It is necessary to clarify the position and provide that the Heads of Departments when making recoveries on requisition by the Registrar shall be deemed to be civil courts for purposes of Article 166 of the Cochin Limitation Act so that such recoveries may have effect as steps in aid of execution. Hence the Bill.

APPENDIX V

THE COCHIN MERCHANDISE MARKS ACT (AMENDMENT) BILL

Whereas it is expedient to amend the law relating to fraudulent marks on merchandise; It is hereby enacted as follows.—

1. *Short title and commencement.*—(1) This Act may be called the Cochin Merchandise Marks (Amendment) Act of 1112 .

(2) It shall come into force at once.

2. *Amendment of Section 2.*—In section 2 of the Cochin Merchandise Marks Act, XLI of 1112 (hereinafter, in sections 3 to 9 inclusive, referred to as the said Act)—

(*a*) for clause (1) the following clauses shall be substituted, namely.—

"(1) 'mark' has the meaning assigned to that expression in clause (*e*) of sub-section (1) of section 2 of the Cochin Trade Marks Act, XIX of 1119;

(1A) 'trade mark' means a 'registered trade mark' as defined in clause (*k*) of sub-section (1) of section 2 of the Cochin Trade Marks Act, XIX of 1119, or a mark used in relation to goods for the purpose of indicating or so as to indicate a connection in the course of trade between the goods and some person having the right as proprietor to use the mark";

(*b*) in sub-clause (*e*) of clause (2), for the words "numeral, word or mark" the word "mark" shall be substituted.

3. *Amendment of section 3.*—In section 3 of the said Act.—

(*a*) in sub-section (1), for the words "numerals, words or marks," in both places where they occur, the word "marks" shall be substituted;

(*b*) in sub-section (2), after clause (*b*) the following word and clause shall be added, namely.—

"and

(*c*) being the name or initials of a fictitious person or of a person not carrying on business in connection with goods of the same description."

4. *Amendment of section 6.*—In section 6 of the said Act.—

(*a*) after the words "things to which a false trade description is applied" the following words shall be inserted, namely.—

"or which, being required by notification under section 9A to have applied to them an indication of the country or place in which they were made or produced, are without the indication required by such notification";

(*b*) in clause (*a*), after the words "trade description" the following words shall be inserted, namely.—

"or that any offence against this section had been committed in respect of the goods".

5. *Insertion of new section 6A.*—After section 6 of the said Act the following section shall be inserted, namely.—

"6A. *Penalty for tampering with, altering or effacing a mark applied in pursuance of section 9A.*—If a person tampers with alters of effaces a mark which has been applied to any goods to which it is required to be applied by notification made under section 9A, he shall, unless he proves that he acted without intent to defraud, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, and, in the case of a second or subsequent conviction, with imprisonment which may extend to two years, or with fine or with both."

LIBRARY ARCHIVES Kerala Legislative Assembly